



BRIEF GUIDANCE AND INDICATORS FOR THE IDENTIFICATION OF VICTIMS OF TRAFFICKING IN BOSNIA AND HERZEGOVINA



Impressum

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Introduction

This document provides a brief guidance and indicators for the identification of victims of trafficking in human beings in Bosnia and Herzegovina. It starts with a short overview of the international obligations on victim identification. It then explains the methodology used for designing indicators tailored to the country context, illustrates the scope of such indicators and provides some guidance on their use. It concludes with the list of indicators for the identification of victims tailored to the country context.

This work was developed in the framework of the Project “Fight against Trafficking in Human Beings and Organised Crime – Phase 2 (THB/IFS/2)” that is implemented by the International Centre for Migration Policy Development (ICMPD) in cooperation with Expertise France (EF) and the International Foundation of Administration and Public Policies of Spain (FIIAPP). The project targets Albania, Azerbaijan, Bosnia and Herzegovina, Moldova, Pakistan and Turkey and is implemented in the framework of the EU Instrument contributing to Stability and Peace (IcSP).

This work builds on the findings from the Project Assessment of the Referral Mechanisms for Identification, Assistance and Protection of Rights of Victims of Trafficking in Bosnia and Herzegovina¹. One of the main findings of the assessment was that there are significant challenges in the identification of victims. More specifically, there is no shared interpretation and common understanding of the crime of human trafficking between law enforcement professionals, prosecutors, and social workers operating at State, entity, district and cantonal level. The assessment found also that competent authorities for victim identification do not use common indicators or criteria to recognise the various forms of trafficking. In addition, there are challenges with the understanding of the evidentiary standards required to establish the offence of trafficking in human beings, and of child trafficking in particular. These issues were discussed at length in the workshop for the presentation of the assessment report in July 2016 in Sarajevo; at the event, the country’s anti-trafficking stakeholders pointed out to the need for common indicators for victim identification as a priority. As a result, the State Coordinator for combating trafficking in human beings (THB) requested the Project technical assistance for the development of indicators for victim identification tailored to the human trafficking situation in the country.

The indicators for the identification of victims of trafficking (THB Indicators) are meant to provide country’s stakeholders with an operational and practical tool that would assist them in the victim identification process making it smoother and more effective.

¹ <http://www.fightagainstrafficking.org/news/99-bosnia-and-herzegovina-assessment-of-the-national-referral-mechanism-in-bih-published>

The international legal obligations on victim identification

As state party to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter CoE Anti-trafficking Convention) and to the UN Convention against Transnational Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Bosnia and Herzegovina has to exercise due diligence to prevent, investigate and punish perpetrators of trafficking in persons, and to identify and assist victims of trafficking and protect their rights².

The international legal obligations regarding the identification of victims of trafficking are well established in a number of international standards, and particularly in the Council of Europe Anti-Trafficking Convention and in the jurisprudence of the European Court of Human Rights (below referred to as the ECtHR or the Strasbourg Court)³. Such obligations require that State Parties take a number of measures, which are briefly illustrated below.

First, States are required to put in place an adequate legislative and administrative framework to prohibit and punish human trafficking, prevent it and protect victims' rights. More specifically, in the case of **Rantsev v. Cyprus and Russia**⁴, the Strasbourg Court held that human trafficking falls within the scope of Article 4 of the European Convention on Human Rights (i.e. the prohibition of slavery, servitude, and forced labour) and that the State's human rights obligations include having in place legislation "adequate to ensure the practical and effective protection of the rights of victims or potential victims of trafficking"⁵. This emphasis on the protection of victims' rights indicates that States' obligations extend to include ensuring that such persons are properly identified as victims and referred for assistance and protection. This has been confirmed also in the recent judgment of the ECtHR in the case of **Chowdury and others v. Greece**⁶. In this landmark judgment the Strasbourg Court reiterated that the obligation to protect victims of trafficking encompasses the identification of victims by qualified professionals and the provision of assistance for their recovery⁷.

Second, exercising due diligence in the investigation and prosecution of trafficking requires *inter alia* that States establish and implement mechanisms and procedures to ensure the rapid and accurate identification of victims. The indicators for victim identification provide one such operational tool to assist the victim identification process.

Third, in addition to mechanisms and procedures, the CoE Anti-trafficking Convention requires that State Parties have trained and qualified competent authorities that are capable of identifying and helping victims⁸. So all relevant professionals, including law-enforcement officials, border guards, immigration officials, labour inspectors, social workers, NGOs or other victim support organizations, prosecutors, and judges should receive comprehensive and multi-disciplinary training to identify victims of human trafficking and refer them for protection and support.

2 UN GA Res.63/156, 30 January 2009

3 See in particular: CoE Anti-Trafficking Convention, Art. 10 and 35; UN OHCHR Recommended Principles on Human Rights and Human Trafficking, Guidelines 2(3); EU Directive on THB 2011/36/EU, Art. 11.

4 ECtHR, *Rantsev v. Cyprus and Russia*, (Application no. 25965/04), 7 January 2010

5 ECtHR, *Rantsev v. Cyprus and Russia*, (Application no. 25965/04), 7 January 2010, para.283-289.

6 ECtHR, *Chowdury and Others v. Greece* (application no. 21884/15), 30 March 2017.

7 ECtHR, *Chowdury and Others v. Greece* (application no. 21884/15), 30 March 2017.

8 Council of Europe, Anti-Trafficking Convention, Article 10(1).

Fourth, such competent authorities are required to cooperate with NGOs in the process of victim identification and referral to assistance⁹. The CoE Anti-trafficking Convention requires the involvement of many actors from state institutions to civil society organisations in a collaborative process leading to victim identification. Similarly, GRETA - the Monitoring Body of the CoE Anti-trafficking Convention - has repeatedly stressed that states are required to adopt a multidisciplinary approach to victim identification, involving in particular frontline public officials and NGOs specialised in supporting trafficked persons¹⁰. This implies therefore that the identification of victim is a process, which requires multi-agency cooperation and time to establish the circumstances of each individual case.

Fifth, the Strasbourg Court has also clarified when States' positive obligations towards trafficking victims begin. In the *Rantsev* case the Court found that when "the State authorities were aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an identified individual had been, or was at real and immediate risk of being, trafficked or exploited", the State authorities were required to take appropriate measures within the scope of their powers to remove the individual from that situation or risk, otherwise there would be a violation of Article 4 of the ECHR¹¹. Such measures include referring the person for recovery and immediate assistance while the victim identification process is completed in line with the obligations under Article 10 and 12 of the CoE Anti-Trafficking Convention. Where the potential victim is a foreigner, this includes also an obligation on the state not to expel the potential victim till the process of victim identification has been accomplished.

With regard to the process of victim identification, the Explanatory Report to the CoE Anti-Trafficking Convention makes a very important additional clarification. Such process is "independent of any criminal proceedings against those responsible for the trafficking. A criminal conviction is therefore unnecessary for either starting or completing the identification process¹²." Furthermore, all victims without discrimination shall receive assistance, regardless of their agreement to cooperate with competent authorities in investigations and criminal proceedings¹³.

In addition to the above, in cases involving children international standards require special measures and specific procedures that comply with children's rights and that address their special needs. Thus, working with children requires that professionals be specifically trained to promptly recognize signs of child trafficking. Such professionals should be made aware that children –even more than adults -may not display any obvious signs of distress or immediately visible signs of harm, and may be unable or reluctant to explicitly articulate their fears of abuse or violence. Such specialists need to be trained also about how to intervene urgently in case of suspicion that a child is exploited or at risk of exploitation. Specific measures and procedures are required to address cases where there is uncertainty about the age of the child or where the child is unaccompanied. In all cases the principle of the best interests of the child must inform all actions and decisions taken with regard to a particular child. It is also important to note that in cases involving children, the principle of urgency applies and it is crucial to immediately refer the child for special protection to take action prevent his/her disappearance.

9 Ibid.

10 Council of Europe, GRETA 4th General Report on GRETA's Activities, 2015.

11 ECtHR, *Rantsev v. Cyprus and Russia*, (Application no. 25965/04), 7 January 2010, para.286.

12 Council of Europe, Explanatory Report to the Convention on Action against Trafficking in Human Beings, para 134

13 Council of Europe, Anti-Trafficking Convention, Article 12(6).

All this reflects the recognition of the crucial importance of victim identification. Failing to timely and accurately identify and support victims will compromise the whole response to trafficking, leading to impunity of perpetrators, injustice and continued denial of victims' rights.

Methodology

The THB indicators were developed on the basis of a desk research and a participatory consultative process among local anti-trafficking stakeholders and experts. The desk research focused on three main areas: - an analysis of BiH case law on trafficking in human beings and related crimes -such as pimping, rape, extortion, and neglect of a child; an analysis of some recently detected THB cases; and a review of expert literature on victim identification. With regard to the case law analysis, this was developed on the basis of the OSCE Case Law Compendium on THB¹⁴ and of an additional total number of 30 decisions (indictments, orders to conduct investigation, first and second instance verdicts) that were issued over the past couple of years on THB and related crimes. These decisions were issued by courts/prosecutor's offices at the State, entities and Brčko District level.

The case law analysis enabled the identification of circumstances which prosecutors and judges considered relevant to prove the offence of trafficking in human beings and related crimes. These circumstances have been included as specific THB indicators together with other indicators formulated on the basis of domestic and international good practice.

The draft indicators were validated through a country wide consultative process designed in partnership with the office of the State Coordinator for combating THB in the BiH Ministry of Security. The consultative process included one expert workshop, four consultation meetings and a few *ad hoc* meetings with national experts that enabled stakeholders to actively engage in the discussion on victim identification and to contribute to inform the list of indicators. A two-day expert workshop on victim identification was organised in partnership with the Office of the State Coordinator in Sarajevo on 24-25 April 2017. Participants were mostly expert members of the Strike Force on THB and of Regional Monitoring Teams, they included law enforcement professionals, prosecutors, social workers and NGO representatives operating at State, entity, and district level. The workshop provided an opportunity for in depth discussion on current practices of victim identification and on the use of the proposed draft indicators to facilitate the process, as well as an exchange of experiences with victim identification practices in Austria. In addition, in cooperation with the Office of the State Coordinator, the Project held consultations with members of the four Regional Monitoring Teams. There were four rounds of consultations to ensure country coverage; these took place in Sarajevo, Tuzla, Mostar and Banja Luka in May 2017. The draft indicators were also circulated via e-mail among the network of anti-trafficking stakeholders from public institutions, NGOs and some IOs with the invitation to submit comments and written contributions. The consultative process reached out to a more than 100 stakeholders. Stakeholders provided feedback to the consultation either participating in the workshop and meetings or submitting comments and contributions via e-mail. Overall, stakeholders stressed that specifically tailored THB indicators are really needed to facilitate the process of victim identification in the country. Further, they expressed appreciation for the draft indicators developed through the Project.

14 OSCE Mission to Bosnia and Herzegovina, A Case Law Compendium in Trafficking in Human Beings, 2016.

Stakeholders found the indicators comprehensive and valued the fact that they are articulated on the basis of both international standards and the criminal definitions of trafficking in the Criminal Codes at State, entity, and district level. Stakeholders found that the indicators reflect the current features and trends of trafficking in the country. They put forward a number of specific suggestions regarding the victims' profiles, the locations where local actors may encounter a victim of trafficking, as well as specific circumstances that provide indications of trafficking. Some stakeholders recommended that the indicators be widely distributed, particularly among all levels of law enforcement structures. They added that there should be also training for police including heads of police stations and administrations and frontline police officers to help them understand and successfully recognise indications of human trafficking for all forms of exploitation. The outcome of the consultations was then used to review and finalise the THB indicators and to present them to the State Coordinator for follow up action and distribution.

The indicators are tailored to the BiH context, they echo the experience and expertise of local frontline staff that has engaged in the identification of victims of trafficking, as well as they reflect current trafficking patterns and modus operandi of traffickers. The indicators include a number of evidentiary elements that were reported in relevant case law, as well as factual circumstances that frontline responders have encountered in the detection of human trafficking cases in the country. In addition, the indicators build upon international guidance and best practice on victim identification. They build on existing indicators and guidelines on victim identification that were developed at international, regional and local level by organizations such as UNODC, ILO, EU and by NGOs.¹⁵

Purpose and scope of the indicators

The purpose of the indicators is to help frontline responders to recognize potential situations of human trafficking. The indicators include a great number of signs and circumstances that front-line public officials and NGOs may encounter, and that may give rise to a suspicion of a trafficking situation.

The indicators intend to guide frontline responders in recognizing victims and in considering which enquiries and what actions may be necessary to uncover a trafficking situation. The indicators can be easily turned into questions that can help frontline responders in the observation and initial assessment of the circumstances of a possible trafficking scenario. Hence, when frontline responders encounter and recognize elements that appear in the list of indicators, then they may come to a reasonable suspicion that a person may be trafficked. In case frontline responders have a concern that a person may be a victim of trafficking, they shall immediately refer the individual to protection and assistance in line with the requirements foreseen in the Council of Europe Anti-Trafficking Convention and in relevant laws, policies and regulations at state, entity and district levels.

¹⁵ UNODC, Anti-Human Trafficking Manual for Criminal Justice Practitioners, Module 2: Indicators of trafficking in persons; ILO, Indicators of Forced Labour; ILO, Operational Indicators of Trafficking in Human Beings, 2009; FEI, Guidelines for Guidelines for the First Level Identification of Victims of Trafficking in Europe, 2013; Ministry of Labour and Social Protection of the Republic of Moldova, Guidelines for the identification of victims and potential victims of trafficking in human beings, 2012. The indicators build in particular on the existing Indicators of Trafficking in Human Beings that were developed by the local NGO Zemlja Djece and that are used in the Tuzla Canton.

The indicators focus on the most recurrent and detected forms of exploitation in the country i.e. sexual exploitation, forced labour, forced begging and forced criminality. There are four sets of indicators therefore, one per each by type of exploitation. It is worth noting also that often victims are exploited for more than one purpose (e.g. forced begging and forced criminality, forced labour and sexual exploitation).

Each set of indicators includes a short description of the typical profiles of victims that have been encountered in Bosnia and Herzegovina over recent time. Victims' profiles are tentative; they reflect the most common characteristics (age, gender, vulnerabilities, recruitment methods etc.) that have been recognised in reported cases and in court cases of trafficking and related crimes. There is also a brief description of the main possible locations in which frontline responders may encounter victims.

The indicators for victim identification are based on the definition of trafficking in human beings as contained in country's Criminal Codes at State, entity and district levels. More specifically they are articulated according to the three specific components of the criminal offence of trafficking in human beings: *Acts*, *Means* and *Purpose*. THB is a complex crime that involves the commission of certain actions (*Acts*) through the use of abusive and coercive means (*Means*) for the purpose of exploitation (*Purpose*). In the case of child trafficking the required component elements of the offence are only two i.e. actions and purpose (See Graph 1 and 2). The indicators refer to the '*Acts*', '*Means*' and '*Purpose*' and for each of these elements of the offence they list circumstances and information that may point to a situation of trafficking and may help identifying someone who has been trafficked. Accordingly, any natural person who is subject to trafficking in human beings as defined in the BiH Criminal Codes is a victim. Again in the case of children, any child who is subjected to any of the '*Acts*' and any of the '*Purposes*' included in the criminal definitions of trafficking is to be considered a victim, and it is not necessary to detect signs that refer to the use of abusive and coercive means. In other words, there is no need to prove the '*Means*' element, it is sufficient to prove the '*Acts*' and the '*Purpose* of exploitation' in order to establish the crime of child trafficking.

This approach to the articulation of the indicators has been chosen to foster a shared understanding of the crime of THB and to contribute to enhancing cooperation between law enforcement, social services, NGOs and prosecutorial authorities in the identification of victims. It reflects the complexity of the trafficking offence and the necessity of gathering evidence of a constellation of circumstances to establish the crime. It responds to the need to assist frontline actors in recognizing those indications/circumstances that may support a finding of an element of the human trafficking offence (i.e., an Act, a Means and an Exploitative Purpose) and that are necessary to identify a victim.

The indicators are therefore designed for use by a variety of actors that operate at State, entity and district level and that may be involved in the process of victim identification, including the members of the Regional Monitoring Teams. These actors include: police, law enforcement Service for Foreigners' Affairs, social workers from Centres for Social Welfare and from NGOs, child protection authorities, victim's lawyers, labour inspectors, medical personnel, officials from educational institutions, prosecutors and eventually judges etc.

The indicators are intended also to foster and facilitate coordination and exchange of information between all relevant competent actors in the process leading to the identification of victims of trafficking. Victim identification is a process that requires multidisciplinary cooperation, coordination and time to seek and evaluate different circumstances, according to which a person can be considered to be a victim of trafficking.

How to use THB indicators: notes of caution, tips and advice

The list of indicators is neither exhaustive nor definitive. It includes only some of the circumstances that can flag possible trafficking situations. It reflects currently known trends and patterns of human trafficking in the country and it will need to be regularly reviewed by practitioners to reflect changes in the phenomenon.

The indicators serve to help frontline responders in making the initial assessment of the circumstances that may give rise to a suspicion of trafficking. It is not required to have evidence of all the indicators to have a concern that someone may be trafficked and to initiate a referral to assistance and protection. Not all signs need to be present for a situation to be considered as trafficking. A single indicator maybe in itself sufficient to suspect trafficking / exploitation / risk of harm and should trigger the immediate referral of the person for assistance. It may also happen that despite the presence of one or more indicators, the person is not being trafficked. Moreover, frontline responders should always keep in mind that they might miss a piece of information that would significantly change the picture before them and that would point to a situation of trafficking and to risks of harm to the person. In addition, very often victims are reluctant to share their stories because of reasonable fear of retaliation by traffickers, distrust towards the authorities, fear of deportation, but also forgetfulness as a symptom of trauma and etc..This is to say that each case is different and needs to be considered and assessed individually on its own merits. Whenever a child is concerned it is particularly important to keep in mind such considerations.

The identification of victims of trafficking is a process that requires time and expertise from multiple agencies and it cannot be immediately concluded. However, with the help of the indicators a frontline responder may observe and assess the circumstances and formulate a concern that a person may be a victim of trafficking and intervene to remove the individual from the harmful situation and refer him/her to assistance and protection.

The indicators may be detected at any point of the trafficking process. It is important to stress that a victim of trafficking may be identified also before the actual exploitation occurs if there is evidence of the intention of the trafficker to exploit the person.

The THB indicators include also tentative profiles of victims; these are based on detected cases and information received from NGOs, police, prosecutors and the State Coordinator's Office. However, it is important to note that these are just some of the possible profiles, and not all the persons fitting the profile will be victims. There is no single victim profile that will result valid in all cases. Victims can be women, men and children that come from a variety of cultural, social and economic backgrounds; they may be BiH citizens as well as foreigners or stateless persons. Each case is different and each individual victim is likely to respond to his or her situation in a different way. Where a certain behaviour or characteristic may be present in one trafficked person, it may not be in another.

Front-line responders should always bear in mind these considerations when encountering a potential victim of trafficking and use their own professional judgment in establishing whether there are sufficient indications to have a reasonable suspicion that the person may be a victim.

- ▶ In their first contact with potential victims, frontline actors should also consider the following points:
- ▶ Observe the situation carefully and the various persons involved and try to detect

indications of THB.

- ▶ Try to divide potential victims from perpetrators without raising suspicions.
- ▶ Assess risks to victims' safety.
- ▶ Assess the immediate basic needs of the person e.g. with regard to food, water, clothing, medical care etc.
- ▶ Be gender and age sensitive, involve a female or male colleague as appropriate.
- ▶ Try to establish trust, introduce yourself and explain that you are there to help her/him.
- ▶ Ensure trusted interpretation or mediation in case of difficulties in communicating because of language or cultural barriers.
- ▶ Inform immediately the guardianship authority if there is suspicion that the person is a child or there is doubt about his/her minor age and promptly assess the risks of harm to the child and his/her needs. Act promptly to prevent that the child goes missing.
- ▶ In cases involving children, the principle of urgency applies and strict procedures need to be observed in compliance with domestic legislation so to ensure the child's immediate access to special protection.
- ▶ Listen to and respect the person/s' assessment of their situation and risks.
- ▶ Be aware that they are likely to be suffering the impacts of traumatic experiences.
- ▶ Talk to each person individually and in a safe and confidential environment.
- ▶ Show respect and don't be judgemental, be sensitive and respectful of the individual's dignity.
- ▶ Inform the person about their rights and options.
- ▶ Make sure to have information about where to refer to support the person and whom to contact.
- ▶ Refer and accompany the person to support services with her/his informed consent if you have reasonable grounds to believe that the person is a victim. You should aim at removing potential victims from the harmful situation as soon as possible.
- ▶ Provide the potential victim with access to assistance and protection regardless of their cooperation with law enforcement.
- ▶ In case the person declines assistance at this moment, provide him/her with contact information about where to seek support in case of need.
- ▶ Should you consider that the person is not a victim of trafficking, yet still vulnerable or in need, refer her/him to charity organizations for help.
- ▶ Make sure to take detailed notes about your assessment through this process and document the situation and actions taken.

In this early phase of victim identification, the frontline responder may detect many indications/signs of trafficking through observation, monitoring of the situation, checking relevant public records or documentation, interviewing other persons that may have noticed the situation, initial screening of the potential victim etc. It is important to note that at this stage, the frontline responder should not conduct an in depth interview with the potential victim and should rather focus on establishing trust with the person, assessing her/his safety and primary needs while detecting signs of THB. During this process, the frontline responder should also try to document the indications of trafficking that he/she observes and should collect the evidence available to the extent possible in relation to each of the elements of the offence, i.e. *Acts-Means-Purpose*, or only *Acts* and *Purpose* in the case of children.

Whenever the frontline respondent has a reasonable suspicion that the person may be trafficked, then she/he should refer the person to support with his/her informed consent. In case the person is a child or there is a doubt about his/her age, then the person should be considered and treated as a child and immediately removed from the harmful situation in line with the specific procedures for children. Frontline respondents should always bear in mind that children may be very reluctant to talk about their experiences, and that when they start disclosing, they often start telling about issues they are more comfortable to talk about and with the passing of time they may gradually disclose more details, including about other abuses and exploitation they have suffered.

Frontline responders should use their own professional judgment in establishing whether there are sufficient indications to have a reasonable suspicion that the person may be a victim or may be at immediate risk of being trafficked or otherwise harmed. They should pass all the evidence and documentation gathered regarding signs of THB on to the competent authorities for victim identification. More specifically, in the case of domestic victims all the indications related to a suspicion that someone might be a victim of trafficking should be promptly provided to the BiH State Investigation and Protection Agency (SIPA) and the Prosecutor Office or local police and local prosecutor depending¹⁶. In the case of foreign victims all the indications related to a suspicion that someone might be a victim of trafficking should be promptly provided to the Service for Foreigners' Affairs (SFA) that is in charge of coordinating the referral to support and protection while competent law enforcement authorities investigate the case¹⁷. In cases involving a child, the competent Centre for Social Welfare also needs to be promptly informed.

Once the person has been referred for support, the authorities in charge of victim identification above indicated - i.e. law enforcement and prosecutors- should continue with the process of victim identification. At this later stage, the indicators of trafficking in human beings continue being useful and can guide the competent authorities in making further inquiries such as for example checking available video surveillance of relevant places, examining relevant public records (e.g. in hospitals, social welfare services, schools etc.), checking means of communication (mobile phones, emails etc.), conducting interviews with relevant persons etc. The indicators describe various circumstances that can contribute to establishing the offence of trafficking and may be used also to make a set of questions to use in determining the actions to be taken and the necessary enquiries to establish the presence of the indicator. Furthermore, the indicators can form the basis for discussion between law enforcement and prosecutors helping them in drawing together and analysing all available information and

¹⁶ BiH Council of Ministers, The Rules on the protection of victims and witnesses of THB nationals of BiH, 2007, Art.4 and 5.

¹⁷ Rulebook on Protection of Alien Victims of Trafficking in Persons

documentation that can contribute to establishing the elements of the THB offence i.e. an act, a means and a purpose of exploitation or in the case of child trafficking an act and a purpose. The very nature of the human trafficking offence is complex and requires putting together evidence related to a variety of circumstances that when summed together amount to trafficking¹⁸.

Definition of Trafficking in Human Beings as per Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings and Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- a. ***"Trafficking in human beings"*** shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. ***The consent of a victim of "trafficking in human beings"*** to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. ***The recruitment, transportation, transfer, harbouring or receipt*** of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d. ***"Child"*** shall mean any person under eighteen years of age;
- e. ***"Victim"*** shall mean any natural person who is subject to trafficking in human beings as defined in this article. "

¹⁸ For an analysis of evidential issues in human trafficking cases see UNODC, Evidential Issues in Trafficking in Persons Cases, Case Digest, 2017.

Constituent elements of the offence of Trafficking in Adults:

ACTS

(What is done)

The recruitment, transportation, transfer, harbouring or receipt of persons.

Addition CC RS: delivery, selling, buying, mediation in sale, holding.



MEANS

(How it is done)

Threat or use of force, coercion, abduction, fraud or deception, abuse of position, power or influence or of a position of vulnerability, giving or receiving of payments or benefits to achieve the consent of a person having control over another person

Addition CC RS: abuse of a relationship of trust, of dependence or of difficult circumstances of another person



PURPOSE

(Why it is done)

Exploitation including prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of part of human body. Other types of exploitation

Addition CC FBiH: forced begging

Addition CC RS: commission of a crime, pornography, forced marriage, forced sterilization, taking an organ or bodily parts, use in armed forces

Trafficking in Human Beings
(adults)

Constituent elements of the offence of Trafficking in Children:

ACTS

(What)

The recruitment, enticement, transportation, transfer, harbouring or receipt of persons.

Addition CC RS: delivery, selling, buying, mediation in sale, holding.

CC RS does not have enticement proscribed



PURPOSE

(Why)

Exploitation including prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of part of human body. Other types of exploitation.

Addition CC FBiH: forced begging

Addition CC RS: commission of a crime, pornography, forced marriage, forced sterilization, taking an organ or bodily parts, use in armed forces

Trafficking in Children

1.

**TRAFFICKING
FOR SEXUAL
EXPLOITATION**

Trafficking for sexual exploitation

Profiles of child victims

- ▶ Adolescent aged between 14-17 from BiH. The child is often in a difficult material, social and family situation. In some instances the child is a runaway from home, in other instances the child used to live in a child institution.
- ▶ Adolescent from BiH with addiction to psychoactive substances.
- ▶ Most child victims are girls; however there may be also boys who are sexually exploited.

Profiles of adult victims

- ▶ Young woman from BiH in a very difficult material and financial situation.
- ▶ Young woman from BiH with addiction to psychoactive substances.
- ▶ Foreign woman (e.g. from Serbia, Ukraine etc.) with an irregular status and in a difficult material and financial situation. In some cases these women had already experience of prostitution.
- ▶ The majority of victims are women, however there might be cases involving male victims too.

Places - Where could be detected?


- ▶ Private apartments, private houses, bars, motels, hotels, nightclubs etc.
- ▶ Depending on the town: there may be a specific street, a crossroad or other location

ACT: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Recruitment and Enticement (Art. 187 CC of BiH, Art. 210 FBiH)</p> <p>This can be done in person, orally, through an agency, a newspaper, online etc</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a woman or a girl) is emotionally attached to the pimp/ trafficker, refers to him as her lover. <input type="checkbox"/> The person (usually a woman or a girl) was promised a rosy life and marriage and followed the pimp/trafficker. <input type="checkbox"/> The person (usually a woman or a girl) is recruited with the promise of a good job by another girl/woman – who is also exploited. <input type="checkbox"/> The person (usually a woman or a girl) was recruited with the promise of making good money. <input type="checkbox"/> The person was originally recruited as a prostitute, but s/he was given false information about earnings and working conditions. <input type="checkbox"/> Someone is taking advantage of the limited maturity of the minor who does not understand and fully appreciate the implications of the situation to ask her/him to engage in sexual services.
<p>Transport</p> <p>Delivery (Art.198 a and 198b CC of RS, Art. 186 CC BiH, and Art. 207a CC of Brčko District)</p> <p>This can happen within and across countries, legally and illegally</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a woman or a girl) is always escorted to clients and other places, and then someone waits outside, collects the money, and drives her to another place. <input type="checkbox"/> The child/minor is traveling abroad with a valid passport accompanied by an adult person who is not a relative and who has the a written (notarized) permission confirming the parents’ consent or the guardian’s consent to the child traveling abroad with him/her. <input type="checkbox"/> The child/minor is travelling within the country, someone has placed him/her on a means of transport at the beginning of the journey and someone else is meeting him/her at destination (this is typical of internal THB). <input type="checkbox"/> The child /minor is travelling with a false passport and an adult who claims to be a relative accompanies him/ her. <input type="checkbox"/> The child/minor is not at ease, appears anxious at the presence of the accompanying adult.

ACT: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Transfer</p> <p>Selling, buying, mediating in sale (Art. 198a CC of RS)</p> <p>The transfer of a person may be understood as including any kind of handing over or transmission of a person to another person¹⁹.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A family member or other relative or influential community member hands over his/her control over a person (usually a child/minor) to another person or to other people.
<p>Harbour, receipt</p> <p>Holding (Art. 198a and Art.198b CC of RS)</p> <p>Harbouring can be about holding a person in a location during the time of exploitation or before reaching the place of destination; it could entail accommodating someone in a flat, factory, brothel, hut, barrack or tent close to or in the place of exploitation.</p> <p>Receipt can be about receiving work or services from a person; this is about “receiving persons into employment or for the purpose of employment, including forced labour”²⁰. So owners and managers, supervisors, and controllers of any place of exploitation such as brothels, farms, factories, hotels, households etc. could be involved in this action.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a young woman or a girl) lives in a flat with other girls and women who also provide sexual services. <input type="checkbox"/> The person (usually a young woman or a girl) lives with other girls and women who are also addicted to psychoactive substances and provide sexual services. <input type="checkbox"/> The person (usually a woman or a girl) lives with the exploiter. <input type="checkbox"/> The person (usually a woman or a girl) lives in a flat with a person close to the perpetrator.


¹⁹ Council of Europe, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs. Joint Council of Europe/United Nations Study, 2009, p. 78.

²⁰ ILO, Human Trafficking and Forced Labour Exploitation, Guidelines for Legislation and Law Enforcement (Geneva, 2005).


<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Deception or fraud</p> <p>Deception can be used directly towards the victim or indirectly towards his/her family members or loved ones.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is deceived about the nature of work or the working and living conditions, and pay. <input type="checkbox"/> The person is deceived with the promise of education (e.g. tuition fees paid) <input type="checkbox"/> The person is deceived by false promise of marriage (this is very common for persons above 16 years of age) <input type="checkbox"/> The person is deceived with the promise of getting a work permit or other legal status in the foreign country
<p>Threat or use of force or other form of coercion</p> <p>“Coercion shall mean use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Threats of harm or physical restraint of any person; <input type="checkbox"/> Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; <input type="checkbox"/> Abuse or any threat linked to the legal status of a person; <input type="checkbox"/> Psychological pressure.”²¹ <p>Threats can take multiple forms; they may be realistic or unrealistic, direct or indirect, subtle or overt.²²</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person has visible body injuries (e.g. scars, bruises, cigarettes burns resulting from beatings, rape). <input type="checkbox"/> The person is in debt bondage towards a third party. <input type="checkbox"/> The person is blackmailed or receives threats of harm to family or loved ones. <input type="checkbox"/> The person is verbally threatened of violence and psychologically abused <input type="checkbox"/> The person is threatened with arms or heavy objects (e.g. a gun, a baseball bat). <input type="checkbox"/> The perpetrator threatens the person with the release of video materials of her/him engaging in sexual conduct or other intimate imagery to coerce her/him. <input type="checkbox"/> The perpetrator threatens the person with reporting her/him to the authorities especially in cases when the person is in conflict with the law or has irregular status. <input type="checkbox"/> The perpetrator threatens the person with financial harm to her/him or to family/ loved ones

²¹ UNODC, Model Law against Trafficking in Persons, 2009, p.11.

²² UNODC, Evidential Issues in Trafficking in Persons Cases, Case Digest, 2017, p. 62.

<p>MEANS: HOW IT IS DONE</p>	<p>NB</p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Abuse of a position of vulnerability</p> <p>Abuse of a relationship of trust, of dependence or of difficult circumstances of another person, (Art. 210a CC RS)</p> <p>This is about abuse of any situation in which the person involved has no real and acceptable alternative but to submit to the abuse.</p> <p>Vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic (e.g. resulting from irregular immigration status, economic dependence, pregnancy, disability etc.). It is necessary to assess case by case: the existence of vulnerability and the abuse of such vulnerability.²³</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a woman or a girl) is addicted to psychoactive substances or is induced to consume psychoactive substances; the trafficker provides her psychoactive substances (e.g. drugs or alcohol). <input type="checkbox"/> The person (usually a woman) has no source of income and is in a very difficult financial and social situation (e.g. lacks resources for self-sustainability, has no own accommodation, has small children who are seriously ill etc.) <input type="checkbox"/> The person has an irregular status and fears reporting to police <input type="checkbox"/> The person (usually a woman or a girl) belongs to a socially excluded or discriminated group (e.g. on the basis of ethnicity or disability etc.) <input type="checkbox"/> The person (usually a woman or a girl) is in a psychological or emotional crisis that renders her/him emotionally dependent on the perpetrator <input type="checkbox"/> The person (usually a woman or a girl) does not know the language (abuse of lack of education or access to information) <input type="checkbox"/> The person (usually a woman or a girl) is in conflict with the law and the perpetrators offers protection.
<p>Abuse of power</p> <p>Abuse of influence, Art. 186 CC BiH, Art. 210a CC FBiH</p>	

²³ UNODC, Abuse of a Position of Vulnerability and Other Means within the Definition of Trafficking in Persons. Issue Paper, 2013, and related Guidance Note.

<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p> <p> <i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Giving or receiving payments or benefits to achieve the consent of a person having control of another person (e.g. the victim)</p> <p>This may include situations in which one individual exercises control legally or illegally over another person (e.g. a parent, a guardian) who controls the victim to traffic her/him.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Family members received money or other material benefit or other form of consideration to let the child go. <input type="checkbox"/> Family members received money or other material benefit or other form of consideration to let the child marry an adult <input type="checkbox"/> The person (usually a woman or a girl) is found with large sums of money in different currencies or other valuable belongings that do not belong to her/him
<p>Other means to achieve control: isolation, confinement, limitations to freedom of movement, constant supervision, debt-bondage</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Confiscation of passport or ID document or other valuable documents <input type="checkbox"/> The person is locked in a room or other place or has limited freedom of movement <input type="checkbox"/> The person is under constant supervision; sometimes s/ he is given as a means of control. <input type="checkbox"/> The person must repay a debt that is manipulated and manifestly excessive and unreasonable. <input type="checkbox"/> The person's debt is increased as a form of punishment in case of non –compliance with perpetrators' rules and demands.

PURPOSE: WHY IT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Forms of sexual exploitation</p> <p>Use in production of pornographic materials</p> <p>Use in pornographic performances</p> <p>Procuring, offering, and using a child for sexual exploitation</p> <p>Exploitation of the prostitution of others: “this includes cases in which a child accepts money or any other consideration in return for acts of sex and passes this on to another person who thereby exploits the child’s prostitution.”²⁴</p> <p>Other forms of sexual exploitation, pornography, forced marriage, (Art.198a and Art 198b CC RS)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a woman or a girl) does not keep the money or keeps a minimum amount and has to handover money to someone else. <input type="checkbox"/> The person (usually a woman or a girl) is forced to prostitute herself even when she is sick or pregnant <input type="checkbox"/> The person (usually a woman or a girl) cannot negotiate working conditions (e.g. no freedom to decide when, how and for how long to work) <input type="checkbox"/> The person (usually a woman or a girl) cannot refuse clients and/or unprotected or violent sex <input type="checkbox"/> The person (usually a woman or a girl) has tattoos or other marks used to indicate ‘belonging to /ownership by’ the exploiter. <input type="checkbox"/> The child has inappropriate clothing and objects typical of a person engaging in sex work <input type="checkbox"/> The person (usually a woman or a girl) is in a situation of forced cohabitation (e.g. in case of a child forced marriage) <input type="checkbox"/> The child is seen in places known to be used for sexual exploitation <input type="checkbox"/> There is an adult often wandering around the child’s school, and waiting for her/him, this is often a way of controlling the child <input type="checkbox"/> There is a person who organizes place and conditions for sexual contact with the child. <input type="checkbox"/> The person (usually a woman or a girl) has sexually transmitted diseases, or complications from illegal abortions that were not treated <input type="checkbox"/> The person (usually a woman or a girl)’s health conditions are neglected due to lack of access to health services <input type="checkbox"/> The person (usually a woman or a girl) is frequently moved from one place to another <input type="checkbox"/> The person (usually a woman or a girl) looks exhausted <input type="checkbox"/> The person (usually a woman or a girl) acts/answers as if instructed/controlled by someone else. <input type="checkbox"/> The person shows signs of fear and anxiety. <input type="checkbox"/> The person has frequent outbursts of violence and anger, may be aggressive. <p><i>Continued on page 28</i></p>

24 UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe, p. 14.

PURPOSE: WHY IT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p><i>Continued from page 27</i></p>	<ul style="list-style-type: none"> □ Children often look intimidated and their behaviour does not much the behaviour typical of children their age (e.g. extremely sexualized behaviour); In some cases children refuse completely any emotional interactions as a result of the trauma suffered. □ The child lives or travels in a group with people who do not speak his/her language or belong to another community □ The child is a foreigner and does not speak the local language except for few expressions of sexual connotations □ The child has been placed in a de facto marriage situation.

2.

**TRAFFICKING
FOR FORCED
BEGGING**

Trafficking for forced begging

Profiles of child victims

- ▶ A child aged between 0 and 14-16 from a poor and abusive family. Often, the child has run away from home or institution.
- ▶ A child age aged between 0 and 14-16 from Roma minority. Often, the child has run away from home or institution.
- ▶ A woman with a small baby in a very difficult material and social situation with no sources of independent income

Child victims are often subject to more than one type of exploitation e.g. forced begging and forced labour or forced begging and forced criminality, forced marriage and forced begging.

Profiles of adult victims

Adult males and females, especially elderly persons or persons with disabilities in a particularly difficult social and economic situation

Places:

Both children and adults are daily transported by minivan to the begging location. Such locations include:


- ▶ touristic locations in Sarajevo (e.g. old city, Ilidza etc), Mostar and other major towns
- ▶ railway and bus stations
- ▶ nearby big supermarkets, shopping centres, popular coffee-houses
- ▶ places of worship on days of prayer
- ▶ major crossroads with traffic lights
- ▶ major stops of public transportation
- ▶ places of public gathering e.g. stadiums on occasion of major football matches
- ▶ market places in smaller towns on market days
- ▶ in front of hospitals

ACT: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Recruitment</p> <p>Enticement of a child (Art. 186 CC of BiH, Art. 210 FBiH, Art. 207a KZ BD)</p> <p>This can be done in person, orally, through an agency, a newspaper, online etc.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) is recruited by a family member or by acquaintances. <input type="checkbox"/> The person (usually a girl) is recruited via promise of marriage or relationship. <input type="checkbox"/> The person (usually a girl) is recruited to live in extramarital cohabitation with a young man in the family of the recruiter. <input type="checkbox"/> The person (usually a child) is recruited via a promise of fast and big earnings. <input type="checkbox"/> The person was promised work and was lied to about employment, living conditions and treatment.
<p>Transport</p> <p>Delivery (Art.198 a and 198b CC of RS and Art. 207a CC of BD)</p> <p>This can happen within and across countries, legally and illegally.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) is transported daily by minivan to various locations to beg. <input type="checkbox"/> The person (usually a child) is transported to beg to locations that are faraway from home. <input type="checkbox"/> The child is traveling abroad with a valid passport accompanied by an adult person who is not a relative and who has the a written (notarized) permission confirming the parents' consent or the guardian's consent to the child traveling abroad with him/her. <input type="checkbox"/> The child is travelling with a false passport and an adult who claims to be a relative accompanies him/her. <input type="checkbox"/> The child is travelling within the country, someone has placed him/her on a means of transport at the beginning of the journey and someone else is meeting him/her at destination (this is typical of internal THB).
<p>Transfer</p> <p>Selling, buying, mediating in sale (Art. 198a CC of RS)</p> <p>The transfer of a person may be understood as including any kind of handing over or transmission of a person to another person.²⁵</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A family member or other relative or influent community member hands over his/her control over a person (usually a child) to another person or to other people. <input type="checkbox"/> The child is sold or rented to another family for exploitation in begging. <input type="checkbox"/> The child is sold or promised into marriage to an adult.

²⁵ Council of Europe, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs. Joint Council of Europe/United Nations study, 2009, p. 78.


ACT: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Harbour, receipt</p> <p>Holding (Art. 198a and Art.198b CC of RS)</p> <p>Harbouring can be about holding a person in a location during the time of exploitation or before reaching the place of destination; it could entail accommodating someone in a flat, factory, brothel, hut, barrack or tent close to or in the place of exploitation.</p> <p>Receipt can be about receiving work or services from a person; this is about “receiving persons into employment or for the purpose of employment, including forced labour”²⁶. So owners and managers, supervisors, and controllers of any place of exploitation such as brothels, farms, factories, hotels, households etc. could be involved in this action.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) lives and sleeps in the lodging of the recruiter/exploiter. <input type="checkbox"/> The person (usually a child) lives and sleeps in a place that is controlled by the exploiter.

²⁶ ILO, Human Trafficking and Forced Labour Exploitation, Guidelines for Legislation and Law Enforcement (Geneva, 2005). (Trgovina ljudima i eksploatacija u svrhu prisilnog rada, Smjernice za zakonske propise i provedbu zakona) (Ženeva, 2005.)


<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Deception or fraud</p> <p>Deception can be used directly towards the victim or indirectly towards his/her family members.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is deceived into purchasing something and becomes debt-bonded. <input type="checkbox"/> The person did not know that she/he would be begging.
<p>Threat or use of force or other forms of coercion</p> <p>“Coercion” shall mean use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Threats of harm or physical restraint of any person; <input type="checkbox"/> Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; <input type="checkbox"/> Abuse or any threat linked to the legal status of a person; <input type="checkbox"/> Psychological pressure.²⁷ <p>Threats can take multiple forms; they may be realistic or unrealistic, direct or indirect, subtle or overt.²⁸</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is threatened with physical violence (incl. rape). <input type="checkbox"/> The person is punished and beaten in case she/he does not bring enough money from begging. <input type="checkbox"/> The person has visible body injuries (e.g. bruises, scars, cuts, cigarettes burns etc.). <input type="checkbox"/> The person appears afraid and anxious especially at the presence of a third party that accompanies him/her to location or that is around while he/she begs. <input type="checkbox"/> The person shows signs of fear, anxiety and psychological abuse when responding to questions (e.g. sweating, trembling, avoiding eye contact etc). <input type="checkbox"/> The person is threatened with violence against her/his child (e.g. threats of raping a young daughter or beating a child). <input type="checkbox"/> The person is so afraid of the exploiter that refuses to answer any questions. <input type="checkbox"/> The perpetrator/ threaten/s the child with placement in an institution or reporting to police <input type="checkbox"/> The perpetrator/ threaten/s the child with violence against his/her sisters, parents or loved ones. <input type="checkbox"/> The perpetrator/ threaten/s the child that s/he be given to another perpetrator who will abuse him/her.

27 UNODC, Model Law against Trafficking in Persons, 2009, p.11

28 UNODC, Evidential Issues in Trafficking in Persons Cases, Case Digest, 2017, p. 62.

<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p> <p> <i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Abuse of a position of vulnerability, Abuse of power</p> <p>Abuse of a relationship of trust, of dependence or of difficult circumstances of another person, (Art. 210a CC RS)</p> <p>Abuse of influence, Art. 186 CC BiH, Art. 210a CC FBiH</p> <p>Abuse of a position of vulnerability is about abuse of any situation in which the person involved has no real and acceptable alternative but to submit to the abuse.</p> <p>Vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic (e.g. resulting from irregular immigration status, economic dependence, pregnancy, disability etc.). It is necessary to assess case by case: the existence of vulnerability and the abuse of such vulnerability.²⁹</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person has no source of income and is in a very difficult financial and social situation (e.g. lacks resources for self-sustainability, has no own accommodation, has small children who are seriously ill etc.) <input type="checkbox"/> The person belongs to a socially excluded or discriminated group (e.g. on the basis of ethnicity or disability etc.) <input type="checkbox"/> The person (usually a child) is in a psychological or emotional crisis and dependent on the perpetrator who can easily control him/her. <input type="checkbox"/> The person (usually a child) does not know the language (abuse of lack of education or access to information). <input type="checkbox"/> The person (usually a child) is in conflict with the law and the perpetrators offer protection. <input type="checkbox"/> The child has run away from home and has neither accommodation nor food and depends completely on the exploiter/controller for survival.
<p>Giving or receiving payments or benefits to achieve the consent of a person having control of another person (e.g. the victim)</p> <p>This may include situations in which one individual exercises control legally or illegally over another person (e.g. a parent, a guardian) who controls the victim to traffic her/him.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) is rented by a parent or relative to the perpetrator in exchange for a certain amount of money or other material benefit (a car, drugs etc.)

²⁹ UNODC, Abuse of a Position of Vulnerability and Other Means within the Definition of Trafficking in Persons. Issue Paper, 2013, and related Guidance Note.

<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Other means to achieve control: isolation, confinement, limitations to freedom of movement, constant supervision, debt bondage.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is often transported to beg to a distant location from his/her place of habitual residence to maintain him/her isolated and achieve greater control. <input type="checkbox"/> The person is prohibited from establishing contacts with other people or from contacting relatives or friends. <input type="checkbox"/> The person is under constant surveillance and can't go anywhere without permission or escort. <input type="checkbox"/> The person lives in a location decided by perpetrator/s (often in a remote area) and there are control mechanisms to prevent her/him from leaving e.g. locked doors, bars, and wires around premises etc. <input type="checkbox"/> The perpetrator withholds the victim's personal documents (e.g. ID card, passport) or other valuable items e.g. ticket to return home. <input type="checkbox"/> The person has no other place where to go or hide, and no one to turn to. She/he is dependent socially financially psychologically on the perpetrator. <input type="checkbox"/> The person has to beg and hand all the money to the exploiter to repay an exorbitant and manipulated debt accrued for transportation, accommodation, boarding or other services supplied by/via perpetrator. <input type="checkbox"/> The person's debt is increased as a form of punishment in case of non-compliance with perpetrators' rules and demands.

PURPOSE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Forced begging</p> <p>Forced begging explicitly foreseen in Art. 210a CC FBiH</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) is on the street begging most of the day / all day long. <input type="checkbox"/> The person (usually a child) is on the street begging in poor weather conditions (with either very low or very high temperatures. <input type="checkbox"/> The person is forced to beg even when sick or pregnant or with a baby. <input type="checkbox"/> The child is in group with other children guarded by the same adult or by an older teenager (ZD) <input type="checkbox"/> The child moves in a "gang" with other children and has a mark to indicate his/her belonging to the "gang" (ZD) <input type="checkbox"/> Someone comes and collects money from the beggar at specific times during the day. <input type="checkbox"/> The person is fined repeatedly for begging. <input type="checkbox"/> The person has physical disabilities and/or signs of mutilation, appears vulnerable. <input type="checkbox"/> The person wears clothing inappropriate to age, sex, and season. <input type="checkbox"/> The person looks exhausted and very tired, malnourished. <input type="checkbox"/> The person seems to have been instructed on what to say in case she/he is apprehended by police, he/she repeats automatically a story <input type="checkbox"/> The child is drowsy, s/he seems to be under the influence of medicines or sedatives or other psychoactive substances. <input type="checkbox"/> The child appearance and hygiene show signs of neglect. <input type="checkbox"/> The child shows aggressive and intrusive behaviour <input type="checkbox"/> The child carries written requests for assistance/help <input type="checkbox"/> The child displays anti-social behaviour and signs of addiction to psychoactive substances (e.g. alcohol, drugs) <input type="checkbox"/> The child can't leave the street or working site on her/his own. <input type="checkbox"/> The child is accompanied by an adult claiming to be family of the child but can't prove this statement. <input type="checkbox"/> The child runs away as soon as he/she sees police and hides. <input type="checkbox"/> The child establishes contact with the social worker and agrees location and time to meet again for additional information but he/she is unable to respect the appointment, the child can't decide about when and where to go. <input type="checkbox"/> The controller/exploiter monitors the child from nearby and intervenes in case the child is establishing contacts with social workers or other people.

3.

TRAFFICKING FOR LABOUR EXPLOITATION

Trafficking for labour exploitation

Profiles of child victims: BiH boys and girls from vulnerable and/or socially excluded families and communities or without parental care.

Profiles of adult victims: BiH men and women aged 18 to 60, unemployed and in a difficult material and social situation. So far most detected victims were men exploited in forced labour in the construction sector, however women are also often exploited in forced labour.


Potential sectors: construction, domestic work, washing car windows, , scavenging for scrap metal, cleaning services, touristic services, bakeries or food processing, catering,

ACTS: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Recruitment</p> <p>Enticement of a child (Art. 186 CC of BiH, Art. 210 FBiH, Art 207a CC BD)</p> <p>This can be done in person, orally, through an agency, a newspaper, online etc.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker is recruited by acquaintances. <input type="checkbox"/> The worker is recruited by word of mouth. <input type="checkbox"/> The worker is made to pay a high recruitment fee to get the job abroad and visa expenses (respectively more than 600Euro and about 250 Euro). <input type="checkbox"/> The worker paid someone to get a job. <input type="checkbox"/> The worker has no contract. <input type="checkbox"/> The contract is just a piece of paper, has no stamp, and is not valid.
<p>Transport</p> <p>Delivery (Art.198 a and 198b CC of RS and Art. 207a CC of BD)</p> <p>This can happen within and across countries, legally and illegally</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker is provided with travel tickets to reach destination. <input type="checkbox"/> Worker's transportation to working site is arranged by a third party. <input type="checkbox"/> The worker is charged excessive price for transportation to working site.
<p>Transfer</p> <p>Selling, buying, mediating in sale (Art. 198a CC of RS)</p> <p>The transfer of a person may be understood as including any kind of handing over or transmission of a person to another person.³⁰</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A family member or other relative or influent community member hands over his/her control over a person (usually a child) to another person or to other people.

³⁰ Council of Europe, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs. Joint Council of Europe/United Nations study, 2009, p. 78.


ACTS: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Harbour, receipt</p> <p>Holding (Art. 198a and Art.198b CC of RS)</p> <p>Harbouring can be about holding a person in a location during the time of exploitation or before reaching the place of destination; it could entail accommodating someone in a flat, factory, brothel, hut, barrack or tent close to or in the place of exploitation.</p> <p>Receipt can be about receiving work or services from a person; this is about “receiving persons into employment or for the purpose of employment, including forced labour”³¹. So owners and managers, supervisors, and controllers of any place of exploitation such as brothels, farms, factories, hotels, households etc. could be involved in this action.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker is provided with accommodation at working site. <input type="checkbox"/> Worker lives in unhealthy overcrowded collective accommodation, lacking sufficient sanitary-hygienic facilities, with no proper electricity, gas and water etc. <input type="checkbox"/> The worker has to respect very strict house rules, and in case of non-observance, severe penalties are imposed such as unreasonable high fines and physical punishment. <input type="checkbox"/> The worker is provided food by the exploiter in very limited amount and very poor quality, and overpriced. <input type="checkbox"/> The worker cannot leave accommodation and/or working site without authorisation.

31 ILO, Human Trafficking and Forced Labour Exploitation, Guidelines for Legislation and Law Enforcement (Geneva, 2005).


<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Deception or fraud</p> <p>Deception can be used directly towards the victim or indirectly towards his/her family members.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker is deceived about the working conditions (salary, number of working hours, working days, sick leave etc.). <input type="checkbox"/> The worker is deceived about boarding and lodging and is charged overinflated rates for accommodation and meals. <input type="checkbox"/> The worker is deceived about travel and visa costs and charged overinflated fees.
<p>Threat of or use of force or other forms of coercion</p> <p>“Coercion shall mean use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Threats of harm or physical restraint of any person; <input type="checkbox"/> Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; <input type="checkbox"/> Abuse or any threat linked to the legal status of a person; <input type="checkbox"/> Psychological pressure.”³² <p>Threats can take multiple forms; they may be realistic or unrealistic, direct or indirect, subtle or overt.³³</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker is threatened of physical violence in case of objections to working and living conditions. <input type="checkbox"/> The worker is detained/confined or otherwise punished in case of violations of working and house rules. <input type="checkbox"/> The worker is beaten severely in case of violations of working and house rules. <input type="checkbox"/> The worker is subjected to unreasonable and arbitrary disciplinary measures. <input type="checkbox"/> The worker is threatened with deprivation of water and food. <input type="checkbox"/> The worker is threatened with dismissal without being paid due wages. <input type="checkbox"/> The worker is threatened with being reported to the authorities because of his/her irregular status. <input type="checkbox"/> The worker appears afraid and anxious at the presence of supervisor/controller at working site. <input type="checkbox"/> The worker has visible body injuries. <input type="checkbox"/> The worker has body injuries that are not treated. <input type="checkbox"/> The worker is denied medical aid in case of need. <input type="checkbox"/> The worker is threatened with financial harm to her/him or their families.

³² UNODC, Model Law against Trafficking in Persons, 2009, p.11.

³³ UNODC, Evidential Issues in Trafficking in Persons Cases, Case Digest, 2017, p. 62.

<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p> <p> <i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Abuse of a position of vulnerability, Abuse of power</p> <p>Abuse of a relationship of trust, of dependence or of difficult circumstances of another person, (Art. 210a CC RS)</p> <p>Abuse of influence, Art. 186 CC BiH, Art. 210a CC FBiH</p> <p>Abuse of a position of vulnerability is about abuse of any situation in which the person involved has no real and acceptable alternative but to submit to the abuse.</p> <p>Vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic (e.g. resulting from irregular immigration status, economic dependence, pregnancy, disability etc.). It is necessary to assess case by case: the existence of vulnerability and the abuse of such vulnerability.³⁴</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker has irregular migration status or irregular employment situation. <input type="checkbox"/> The worker has a very difficult material and social situation, and urgently needs money (e.g. for medical treatment of his/her children or close relatives). <input type="checkbox"/> The worker has a huge debt linked to the job recruitment or to travel, accommodation and boarding arrangements. <input type="checkbox"/> The person is culturally and socially isolated (e.g. does not speak local language, lives in remote location) and has multiple dependencies on the exploiter (lodging, food, transport, work or residence permit etc.).
<p>Giving or receiving payments or benefits to achieve the consent of a person having control of another person (e.g. the victim)</p> <p>This may include situations in which one individual exercises control legally or illegally over another person (e.g. a parent, a guardian) who controls the victim to traffic her/him.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A parent or relative of the child has received money or other in kind benefit to let the child go with the recruiter or exploiter.

³⁴ UNODC, Abuse of a Position of Vulnerability and Other Means within the Definition of Trafficking in Persons. Issue Paper, 2013, and related Guidance Note

<p>MEANS: HOW IT IS DONE</p>	<p><i>NB</i></p> <p> <i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Other means to achieve control: isolation, confinement, limitations to freedom of movement, constant supervision, debt bondage</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker's passport or other ID document is confiscated. <input type="checkbox"/> The worker's travel ticket is confiscated. <input type="checkbox"/> The worker is not allowed to have contacts with other people. <input type="checkbox"/> The worker is under constant surveillance at working site and at accommodation. <input type="checkbox"/> The worker cannot choose his/her accommodation. <input type="checkbox"/> The worker is not allowed to live working site or accommodation without authorisation. <input type="checkbox"/> The working site is guarded or has bars or other control mechanisms. <input type="checkbox"/> The working site is in a remote location, difficult to reach with no public transport access (e.g. isolated rural or mountain area). <input type="checkbox"/> The working site is not accessible, e.g. a private household. <input type="checkbox"/> The worker must repay a debt that is manipulated and manifestly excessive and unreasonable. <input type="checkbox"/> The worker must pay excessively high fees for travel, recruitment, boarding, lodging, transport and other services supplied by/via perpetrator. <input type="checkbox"/> The worker's debt is increased as a form of punishment in case of non-compliance with perpetrators' rules and demands.

PURPOSE: WHY IS DONE	ZNAKOVI/ INDICIJE KOJE UKAZUJU NA EVENTUALNO POSTOJANJE DJELA TRGOVINE LJUDIMA
<p>Forced labour or services</p> <p>“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” Art. 2, Forced Labour Convention, 1930 (No. 29)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The worker appears physically exhausted and malnourished. <input type="checkbox"/> The worker is demanded to work excessively long hours up to 12 or more, including night shifts, and with no limitations to working hours. <input type="checkbox"/> The worker is forced to work also when he/she is sick or injured. <input type="checkbox"/> The worker cannot take any breaks during working time or is not allowed to eat, use the bathroom . <input type="checkbox"/> The worker has no contract. <input type="checkbox"/> The worker is not being paid for the work done. <input type="checkbox"/> There are no records of pay slips or where they exist they have been altered. <input type="checkbox"/> Wage payments are made randomly and/or continuously delayed. <input type="checkbox"/> There are no records of social and health insurance. <input type="checkbox"/> There is no register of employed workers. <input type="checkbox"/> The worker has to undertake hazardous work without adequate protective gear. <input type="checkbox"/> A significant portion of worker’s salary is paid in kind (e.g. food, accommodation, transport) and at overly rated prices. <input type="checkbox"/> Worker is not paid cash but is given promissory notes, coupons etc. <input type="checkbox"/> Level of wage is excessively below minimum wage. <input type="checkbox"/> The worker does not know the names of his/her employers and/or controllers, s/he knows only their nicknames or fictitious names. <input type="checkbox"/> Video-surveillance is arranged at living and working sites. <input type="checkbox"/> There is one or more bank accounts in the name of the worker but s/he has no information or control over such accounts. <input type="checkbox"/> The worker is a child below working age from a very vulnerable family or without parental care, or from a discriminated and/or socially excluded group (e.g. due to ethnicity, disability etc.) and s/he is found undertaking work that is hazardous for his/her age e.g.collecting scrap materials in waste dumps or cleaning car windows at crossroads with traffic lights. <input type="checkbox"/> At working sites there are tools and equipment designed specially for children to use. <input type="checkbox"/> The child has to work on garbage sites collecting scrap materials. <input type="checkbox"/> The child has to clean car windscreens at crossroads till s/he makes a certain amount

4.

TRAFFICKING FOR FORCED CRIMINALITY

Trafficking for forced criminality

Profiles of child victims

Girls and boys below the age of criminal liability, they are often coming from a poor and dysfunctional family. Often, the child has run away from home or institution.

Girls and boys below the age of criminal liability, they are often coming from a Roma minority and are used to commit petty street crimes such as pickpocketing or theft.

Child victims are often subject to more than one type of exploitation e.g. forced begging and forced criminality, forced marriage and forced begging.

Profiles of adult victims

Adult males and females, especially persons in a particularly difficult social and economic situation may be victimised.

Places:

Children are usually daily transported to specific locations for shoplifting. Such locations might include:

- ▶ touristic locations, crowded places, nearby ATMs (bank machines),
- ▶ nearby shopping centres, popular coffee-houses, terraces and restaurants
- ▶ inside public transportation


NB: Indicators of trafficking for forced criminality often overlap with those of trafficking for forced begging.

ACTS: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Recruitment</p> <p>Enticement of a child (Art. 186 CC of BiH, Art. 210 FBiH, Art 207a CC BD)</p> <p>This can be done in person, orally, through an agency, a newspaper, online etc.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The child is recruited by a family member or by acquaintances. <input type="checkbox"/> The child is sold or rented to another family in exchange for some sort of remuneration or other benefit <input type="checkbox"/> The girl is sold into marriage to an adult or to an older child and forced into cohabitation with his/family. <input type="checkbox"/> The person is recruited by acquaintances.
<p>Transport</p> <p>Delivery (Art.198 a and 198b CC of RS and Art. 207a CC of BD)</p> <p>This can happen within and across countries, legally and illegally.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The child is traveling abroad with a valid passport accompanied by an adult person who is not a relative and who has the a written (notarized) permission confirming the parents' consent or the guardian's consent to the child traveling abroad with him/her. <input type="checkbox"/> The child is travelling with a false passport and an adult who claims to be a relative accompanies him/her. <input type="checkbox"/> The child is travelling within the country, someone has placed him/her on a means of transport at the beginning of the journey and someone else is meeting him/her at destination (this is typical of internal THB). <input type="checkbox"/> The person (usually a child) is transferred daily by minivan to various locations to perform criminal activities.
<p>Transfer</p> <p>Selling, buying, mediating in sale (Art. 198a CC of RS)</p> <p>The transfer of a person may be understood as including any kind of handing over or transmission of a person to another person.³⁵</p>	<ul style="list-style-type: none"> <input type="checkbox"/> A family member or other relative or influent community member hands over his/her control over a person (usually a child) to another person or to other people.

³⁵ Council of Europe, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs. Joint Council of Europe/United Nations study, 2009, p. 78


ACTS: WHAT IS DONE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Harbour, receipt</p> <p>Holding (Art. 198a and Art.198b CC of RS)</p> <p>Harbouring can be about holding a person in a location during the time of exploitation or before reaching the place of destination; it could entail accommodating someone in a flat, factory, brothel, hut, barrack or tent close to or in the place of exploitation.</p> <p>Receipt can be about receiving work or services from a person; this is about “receiving persons into employment or for the purpose of employment, including forced labour”³⁶. So owners and managers, supervisors, and controllers of any place of exploitation such as brothels, farms, factories, hotels, households etc. could be involved in this action.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person lives and sleeps in the lodging of the recruiter/exploiter. <input type="checkbox"/> The person lives and sleeps in a place that is controlled by the exploiter. <input type="checkbox"/> The children are often living and traveling with persons who are not their biological parents.

³⁶ ILO, Human Trafficking and Forced Labour Exploitation, Guidelines for Legislation and Law Enforcement (Geneva, 2005).

<p>MEANS: HOW IT IS DONE</p>	<p>NB</p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Deception or fraud</p> <p>Deception can be used directly towards the victim or indirectly towards his/her family members.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is deceived and becomes debt-bonded.
<p>Threat of or use of force or other form of coercion</p> <p>“Coercion shall mean use of force or threat thereof, and some forms of non-violent or psychological use of force or threat thereof, including but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Threats of harm or physical restraint of any person; <input type="checkbox"/> Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; <input type="checkbox"/> Abuse or any threat linked to the legal status of a person; <input type="checkbox"/> Psychological pressure.”³⁷ <p>Threats can take multiple forms; they may be realistic or unrealistic, direct or indirect, subtle or overt. ³⁸</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is threatened with violence against her/his child (e.g. threats of raping a young daughter or of beating a child). <input type="checkbox"/> The girl is a young mother and is threatened with violence against her/his child who has been separated from her. <input type="checkbox"/> The person (usually a child) is threatened with physical violence (incl. rape and beatings). <input type="checkbox"/> The person (usually a child) is punished in case she/he does not bring enough money from pickpocketing (e.g. ciga-rette burns, beatings etc.). <input type="checkbox"/> The person (usually a child) has visible body injuries (e.g. bruises, scars, cuts, cigarettes burns etc.). <input type="checkbox"/> The person shows signs of fear, anxiety and psychological abuse when responding to questions (e.g. sweating, trem-bling, avoiding eye contact etc.). <input type="checkbox"/> The person appears afraid and anxious especially at the presence of a third party that accompanies him/her and constantly answers questions in his/her place. <input type="checkbox"/> The person is so afraid of the exploiter that refuses to answer any questions.

37 UNODC, Model Law against Trafficking in Persons, 2009, p.11.

38 UNODC, Evidential Issues in Trafficking in Persons Cases, Case Digest, 2017, p. 62.

<p>MEANS: HOW IT IS DONE</p>	<p>NB</p>  <p><i>In cases involving children there is no need to prove abusive and coercive means to establish that the child is a victim of trafficking. However, perpetrators often use abusive and coercive means against children.</i></p>
<p>Abuse of a position of vulnerability, Abuse of power</p> <p>Abuse of a relationship of trust, of dependence or of difficult circumstances of another person, (Art. 210a CC RS)</p> <p>Abuse of influence, Art. 186 CC BiH, Art. 210a CC FBiH</p> <p>Abuse of a position of vulnerability is about abuse of any situation in which the person involved has no real and acceptable alternative but to submit to the abuse.</p> <p>Vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic (e.g. resulting from irregular immigration status, economic dependence, pregnancy, disability etc.). It is necessary to assess case by case: the existence of vulnerability and the abuse of such vulnerability.³⁹</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person has no source of income and is in a very difficult financial and social situation (e.g. lacks resources for self-sustainability, has no own accommodation, has small children or other close relatives who are seriously ill etc.). <input type="checkbox"/> The person (usually a child) belongs to a socially excluded or discriminated group (e.g. on the basis of ethnicity or disability etc.). <input type="checkbox"/> The person (usually a child) is in a psychological or emotional crisis and dependent on the perpetrator who can easily control him/her. <input type="checkbox"/> The person (usually a child) does not know the language (abuse of lack of education or access to information). <input type="checkbox"/> The person (usually a child) is in conflict with the law and the perpetrators offer protection. <input type="checkbox"/> The child has neither accommodation nor food and is entirely dependent on the exploiter to survive.
<p>Giving or receiving payments or benefits to achieve the consent of a person having control of another person (e.g. the victim)</p> <p>This may include situations in which one individual exercises control legally or illegally over another person (e.g. a parent, a guardian) who controls the victim to traffic her/him.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The child is rented by a parent or relative who receives a certain amount of money or other benefits (a car, drugs etc.) <input type="checkbox"/> The person is forced to engage in criminal activities and hand all the money to the exploiter to repay her/his debt.
<p>Other means to achieve control: isolation, confinement, limitations to freedom of movement, constant supervision, debt-bondage.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person is often transported to a distant location from his/her place of habitual residence to maintain him/her isolated and achieve greater control. <input type="checkbox"/> The person is confined to a location to work in the production of illicit goods. <input type="checkbox"/> The person borrowed or owes money to someone and is pressured to do something illicit s/he did not want to do.

³⁹ UNODC, Abuse of a Position of Vulnerability and Other Means within the Definition of Trafficking in Persons. Issue Paper, 2013, and related Guidance Note.

PURPOSE	SIGNS / INDICATIONS OF A POSSIBLE TRAFFICKING SITUATIONS
<p>Commission of criminal offence, Art. 198a CC RS</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The person (usually a child) is on the street most of the day /all day long. <input type="checkbox"/> The person (usually a child) commits a crime (e.g. pickpocketing) and runs to an adult to hand over proceeds. <input type="checkbox"/> The person (usually a child) is tightly controlled by the exploiter/s. <input type="checkbox"/> The person (usually a child) is apprehended while committing petty crimes e.g. theft, pickpocketing. <input type="checkbox"/> The person (usually a child) has visible signs of abuse and body injuries (e.g. scars, bruises, cigarettes burns resulting from beatings, rape). <input type="checkbox"/> The person (usually a child) has no documents. <input type="checkbox"/> The person (usually a child) seems to have been instructed on what to say when police apprehends him/her, he/she repeats automatically a story and is unable to elaborate around details of the story. <input type="checkbox"/> The child was trained and coached into committing criminal activities at a very young age and is deeply mentally, emotionally and psychologically dependent on the exploiter or controller. <input type="checkbox"/> The child is forced to engage in criminal activities and she/he is trying to pretend that it is "fun". <input type="checkbox"/> Several children –apprehended by police while pickpocketing repeat the same information e.g. regarding their family name, their address, why they are there, where their parents are etc. <input type="checkbox"/> The same adult appears in police stations posing as the aunt or uncle of the child/children apprehended. <input type="checkbox"/> The child has several pending criminal records for shoplifting and pickpocketing in various locations of the country, also quite distant from his/her place of origin. <input type="checkbox"/> The child carries, transports or resells drugs. <input type="checkbox"/> The child is in a group with other children controlled by the same adult or by an older teenager. <input type="checkbox"/> The child moves in a "gang" with other children and has a mark to indicate his/her belonging to the "gang". <input type="checkbox"/> The child shows aggressive behaviour. <input type="checkbox"/> The child displays anti-social behaviour and signs of addiction to psychoactive substances (e.g. alcohol, drugs). <input type="checkbox"/> The child is suspicious of social workers and reluctant to speak (may be afraid of retaliation by his/her controllers) <input type="checkbox"/> The person is carrying/hiding illicit substances and/or weapons.

5.

ANNEX

ANNEX Relevant Criminal Codes Provisions in BiH

CC BiH

International trafficking in human beings

Article 186

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or by the giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of exploitation of that person in the country in which that person does not have residence or citizenship, shall be punished by imprisonment for a term of at least five years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or of some other type of exploitation, in the country in which that person does not have residence or citizenship, shall be punished by imprisonment for a term of at least ten years.

(3) If the criminal offense referred to in Paragraphs (1) and (2) of this Article is committed by an official person while executing official duty, the perpetrator shall be punished by imprisonment for a term of at least ten years.

(4) Whoever counterfeits, procures or issues travel or identification document, or uses, holds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating international trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(5) Whoever uses the services of a victim of international trafficking in human beings shall be punished by imprisonment for a term of between six months and five years.

(6) If the perpetration of the criminal offense referred to in Paragraphs (1) and (2) caused serious health damage, grievous bodily harm or the death of the persons referred to in Paragraphs (1) and (2), the perpetrator shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(7) Exploitation, for the purpose of paragraph (1) of this Article, means: prostitution of another person or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or some other type of exploitation.

(8) Items, transport and facilities used for the perpetration of the offense shall be confiscated.

(9) Consent of the victim of international trafficking in human beings to the exploitation bears no relevance to the existence of the criminal offense of international trafficking in human beings.

(10) No criminal proceedings will be conducted against a victim of international trafficking in human beings who was forced, by the perpetrator of the offence, to participate in the commission of another criminal offence if such action was direct result of his/her status of the victim of international trafficking in human beings.

CC BiH Establishment of Slavery and Transport of Slaves Article 185

(1) Whoever, in violation of the rules of international law, places another in slavery or in a similar status or keeps him in such a status, buys, sells, hands over to another person or mediates the purchase, sale or handing over of such a person or induces someone else to sell his freedom or the freedom of the person he provides for or takes care of, shall be punished by imprisonment for a term between one and ten years.

(2) Whoever, in violation of the rules of international law, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of an individual younger than 18 years of age, for the purpose of adoption, removal of organs or, exploitation by labour or for other illicit purposes, shall be punished by imprisonment for a term of not less than five years.

(3) Whoever, in violation of the rules of international law, transports persons who are in a position of slavery or in similar status, shall be punished by imprisonment for a term between six months and five years.

CC BiH Organized International Trafficking in Persons Article 186a.

(1) Whoever organizes or manages a group or another association that jointly perpetrates criminal offense referred to in Articles 186 (International Trafficking in Persons) of this Code shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(2) Whoever commits a crime as a member of the group or another association referred to in Paragraph (1) of this Article or in any other way assists the group or the association, shall be punished by imprisonment for a term of at least ten years.

(3) The provisions set forth in paragraphs (4) and (5) of Article 250 (Organized Crime) of this Code shall apply to members of the organized group or another association referred to in Paragraph (1) of this Article.

CC FBiH Article 210a Trafficking in Human Beings

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of exploitation of that person, shall be punished by imprisonment for a term of at least five years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or of some other type of exploitation, shall be punished by imprisonment for a term of at least ten years.

(3) Exploitation, for the purpose of this Article, means: prostitution of another person or other forms of sexual exploitation, forced labour or services, forced begging, slavery or similar status, servitude or the removal of body parts or some other type of exploitation.

(4) If the criminal offense referred to in Paragraphs (1) and (2) of this Article is committed by an official person while discharging official duties, the perpetrator shall be punished by imprisonment for a term of at least ten years.

(5) Whoever counterfeits, procures or issues travel or identification document, or uses, withholds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(6) Whoever uses the services of a victim of trafficking in human beings shall be punished by imprisonment for a term of six months to five years.

(7) If the perpetration of the criminal offense referred to in Paragraphs (1) and (2) of this Article caused serious health damage, grievous bodily harm or the death of the persons referred to in Paragraphs (1) and (2) of this Article, the perpetrator shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(8) Items, vehicles and facilities used for the perpetration of the offense shall be confiscated.

(9) Consent of the victim of trafficking in human beings to the exploitation bears no relevance to the existence of the criminal offense of trafficking in human beings.

(10) No criminal proceedings will be conducted against a victim of trafficking in human beings who was forced, by the perpetrator of the offence, to participate in the commission of another criminal offence if such action was direct result of his/her status of the victim of trafficking in human beings.

CC FBiH Article 210b Organized Trafficking in Human Beings

(1) Whoever organizes or manages a group of people, an organized group of people or an organized crime group that jointly perpetrates or attempts to perpetrate the criminal offense referred to in Article 210a (Trafficking in Human Beings) of this Code shall be punished by imprisonment for a term of at least ten years or a long-term imprisonment.

(2) Whoever commits a crime as a member of a group referred to in Paragraph (1) of this Article, shall be punished by imprisonment for a term of at least ten years.

(3) A member of the group referred to in Paragraph (1) of this Article who reveals this group or association may be exonerated of punishment.

**CC RS Human Trafficking
Article 198a**

(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving or receiving of money or other benefits, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps a person for the purpose of the use or exploitation of that person's labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, establishment of slavery or similar relationship, forced marriage, forced sterilization, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.

(2) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between two and twelve years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than five years.

(4) Whoever uses, or enables other person to use sexual services or other forms of exploitation, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term between six months and five years.

(5) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.

(6) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(7) The consent of the victim to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of the criminal offence of human trafficking.

(8) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

**CC RS Trafficking in Minors
Article 198b**

(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a person younger than 18 years of age with the purpose of use or exploitation of that person's labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation, pornography, establishment of slavery or similar relationship, forced marriage, forced sterilization, illegal adoption or similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than five years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of office,

abuse of relationship of trust, dependence of vulnerability, difficult circumstances of another person, by giving money or other benefits, shall be punished by imprisonment for a term of not less than eight years.

(3) Whoever uses, or enables other person to use sexual services or other forms of exploitation of a minor, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term of not less than five years.

(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between three and fifteen years.

(5) If the criminal offence referred to in paragraphs 1, 2, 3 and 4 of this Article was perpetrated as member of an organized group, the perpetrator shall be punished by imprisonment for a term of not less than ten years.

(6) If the offence referred to in paragraphs 1, 2, 3 and 4 of this Article are perpetrated by an official person in the exercise of duty, shall be punished by imprisonment for a minimum term of eight years.

(7) If due to the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.

(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

CC Brčko Human Trafficking Article 207a

(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of relationship or trust or vulnerability, or by giving or receiving money or other benefits to persuade a person having control over another person, recruits, transports, transfers, delivers, harbours or receives a person for the purpose of exploiting him/her, shall be punished by imprisonment for a term of not less than five years. For the purpose of this Article the exploitation shall mean: prostitution of another person or other forms of sexual exploitation, forced labour or services, slavery or similar relationship, servitude, removal of organs or body parts, or some other form of exploitation.

(2) Whoever recruits, transports, transfers, delivers, harbours or receives a person younger than 18 years of age with the purpose of using or exploiting him/her for prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar relationship, servitude, removal of organs or body parts, or some other form of exploitation, shall be punished by imprisonment for a term of not less than ten years.

(3) If the offences referred to in paragraphs 1 and 2 of this Article were perpetrated by an official person in exercising his/her duty, s/he shall be punished by imprisonment for a term of not less than ten years.

(4) Whoever counterfeits, obtains or issues travel or identification document or uses, seizes, holds, trades, damages, destroys travel or identification document of another person to enable trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(5) Whoever uses services provided by a victim of trafficking, shall be punished by imprisonment for the term between six months and five years.

(6) If due to the criminal offences referred to in paragraphs 1 and 2 of this Article caused serious health problems, grievous bodily harm, or the death of one or more persons referred to in paragraphs 1 and 2, the perpetrator shall be punished by imprisonment for a minimum term of ten years or a long-term imprisonment.

(7) Items, vehicles and facilities used for the perpetration of the offence shall be seized.

(8) The consent of the victim to exploitation shall bear no relevance to the existence of the criminal offence of human trafficking.

(9) The victim of trafficking that was forced by the perpetrator of that criminal offence to take part in committing another criminal offence, shall not be prosecuted for the offence s/ he committed if his/her actions were direct consequence of his/her status of the victim of trafficking.

CC Brčko Organized Trafficking in Human Beings Article 207b

(1) Whoever organizes or leads a group, an organised group or a criminal group which jointly perpetrates or attempts a criminal offences referred to in articles 207a of this Code, shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(2) Whoever perpetrates a criminal offence as a member of the group referred to in paragraph 1 of this Article, shall be punished by imprisonment of at least ten years.

(3) Whoever becomes a member of a group referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term of at least one year.

(4) A member of a group referred to in paragraph 1 of this Article who divulges the group may be released of punishment.

